

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESAL PRICE  
LITIGATION

This Document Relates to the  
MASTER CONSOLIDATED CLASS  
ACTION.

MDL No. 1456

Master File No. 01-CV-12257-PBS

Judge Patti B. Saris

**STIPULATION TO AMEND THE AMCC TO ADD SPECIFIED  
SUBSIDIARIES OF JOHNSON & JOHNSON AS DEFENDANTS**

Plaintiffs and Defendant Johnson & Johnson and its subsidiaries, Johnson & Johnson Health Care Systems, Inc., Ortho McNeil Pharmaceuticals, Inc. and OrthoNeutrogena, through their undersigned counsel, hereby stipulate and agree as follows:

**WHEREAS:**

1. Johnson & Johnson Health Care Systems, Inc. ("JJHCS"), Ortho McNeil Pharmaceuticals, Inc. ("OMP") and OrthoNeutrogena ("Neutrogena") are subsidiaries of Defendant Johnson & Johnson;
2. The Amended Master Consolidated Class Action Complaint ("AMCC") names Johnson & Johnson subsidiaries Janssen Pharmaceutica Products L.P. ("Janssen") and McNeil-PPC ("McNeil") as Defendants in relation to Together-Rx related claims (AMCC ¶¶ 102, 103), but does not name JJHCS, OMP or Neutrogena as Defendants.
3. JJHCS was a signatory to the Together Rx contract;
4. OMP and Neutrogena manufactured, marketed or distributed Together Rx drugs during the relevant time period; and
5. Plaintiffs were advised during the course of discussions with opposing counsel regarding Plaintiffs' First Requests For Production of Documents to the Together Rx Defendants that

these entities have responsibilities relating to the Together Rx Card and are in the possession, custody and control of documents responsive to the Together Rx discovery requests,

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the parties through their respective undersigned counsel, that the Intervenor's Amended Master Consolidated Complaint ("AMCC"), specifically paragraph 106 of section III(B)(15) describing the Johnson & Johnson Group, be amended pursuant to Fed. R. Civ. P. 15(a) solely to add the following parties as Defendants in relation to Counts V, VI, VII, VIII and X (claims regarding Together Rx): Johnson & Johnson Health Care Systems, Inc., Ortho McNeil Pharmaceuticals Inc., and OrthoNeutrogena.

Dated: July 15, 2004



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OrthoNeutrogena*


## AFFIDAVIT OF SERVICE

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF HENNEPIN)

Jason A. Westmoreland, being first duly sworn, says that on the 31st day of August, 2004, City of Minneapolis, County of Hennepin, State of Minnesota, he caused to be served the **Stipulation to Amend the AMCC to Add Specified Subsidiaries of Johnson & Johnson Defendants** on all parties via VeriLaw Technologies.

  
Jason A. Westmoreland

Subscribed and sworn to before me  
this 31<sup>st</sup> day of August, 2004.

  
Notary Public

